

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABDERANMAN MAYO,

Plaintiff,

-against-

SGT. REID; SGT. CARRINGTON; M.
GONZALEZ; E. MALDONADO; M.
DEJESUS; A. WASHINGTON; J. LIMA,

Defendants.

ORDER OF SERVICE

23-CV-9719 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. § 1983, alleging that Defendants used excessive force against him at Sing Sing Correctional Facility. By order dated November 7, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants Sergeants Reid and Carrington, and Officers M. Gonzalez, E. Maldonado, M. DeJesus, A. Washington, and J. Lima through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Defendants. The Clerk of Court is further

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

Local Civil Rule 33.2, which requires defendants in certain types of prisoner cases to respond to specific, court-ordered discovery requests, applies to this action. Those discovery requests are available on the Court's website under "Forms" and are titled ["Plaintiff's Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents."](#) Within 120 days of service of the complaint, Defendants must serve responses to these standard discovery requests. In their responses, Defendants must quote each request verbatim.²

Plaintiff may receive court documents by email by completing the attached form, [Consent to Electronic Service](#).³

CONCLUSION

The Clerk of Court is instructed to issue summonses for Defendants Reid, Carrington, Gonzalez, Maldonado, DeJesus, Washington, and Lima, complete the USM-285 forms with the addresses for these Defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

² If Plaintiff would like copies of these discovery requests before receiving the responses and does not have access to the website, Plaintiff may request them from the Pro Se Intake Unit.

³ If Plaintiff consents to receive documents by email, Plaintiff will no longer receive court documents by regular mail.

The Clerk of Court is further instructed to mail Plaintiff an information package.

Local Civil Rule 33.2 applies to this action.

SO ORDERED.

Dated: January 5, 2024
White Plains, New York



PHILIP M. HALPERN
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Sergeant Reid
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
2. Sergeant Carrington
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
3. Officer M. Gonzalez
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
4. Officer E. Maldonado
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
5. Officer M. DeJesus
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
6. Officer A. Washington
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
7. Officer J. Lima
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562